

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JEROME MICHAEL HIGHTOWER,)	
)	
Plaintiff,)	
)	
VS.)	No. 20-2643-JDT-cgc
)	
SHELBY COUNTY CORRECTIONS)	
CENTER, ET AL.,)	
)	
Defendants.)	

ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER
IN FORMA PAUPERIS AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE

On, August 21, 2020, Plaintiff Jerome Michael Hightower filed a *pro se* civil complaint. (ECF No. 1.) At the time, Hightower was incarcerated at the Shelby County Corrections Center in Memphis, Tennessee. The Court issued an order on August 24, 2020, granting Hightower's motion for leave to proceed *in forma pauperis* and assessing the \$350 civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) However, on November 9, 2020, Hightower notified the Clerk he had been released and provided his new address. (ECF No. 5.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee. The statute merely provides the prisoner the opportunity to pay the fee in monthly installments. 28 U.S.C. § 1915(b). However, in this case, no part of the filing fee was paid prior to Hightower's release. Under these circumstances, the Sixth Circuit has held "the obligation

to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.” *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Hightower must either renew his pauper status or pay the entire civil filing fee. Therefore, he is ORDERED to submit, on or before December 1, 2020, either a properly completed and signed non-prisoner *in forma pauperis* affidavit or the entire \$400 filing fee.¹ The Clerk shall mail Hightower a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in denial of leave to proceed *in forma pauperis* and the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$50 for filing any civil case also is required. Because that additional \$50 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the August 24 order. If Hightower does not renew his pauper status he will be responsible for the entire \$400 fee.